

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DERRICK VANTRELL MITCHELL,

Plaintiff,

vs

JAMES SMITH, et al.,

Defendants.

:
:
:
:
:
:
:
:
:

CIVIL ACTION 06-0373-CG-M

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's Order.

DONE and ORDERED this 30th day of June, 2008.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE